

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW PRIORITY

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CIA PRIORITY

JUSTICE PRIORITY

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MARITIME ADMINISTRATION PRIORITY

DEPT OF TRANS PRIORITY

NMCC PRIORITY

DIRNAVINSERV PRIORITY

US CUSTOMS PRIORITY

C O N F I D E N T I A L STATE 035607

COAST GUARD FOR CAPTAIN BAUMAN, MARAD FOR SAM NEMIROW

E.O. 11652: GDS

TAGS: EWWT, UR, US

SUBJECT: US ANSWERS SOVIET NOTE ON MAKSIM GOR'KIY

REF: STATE 261466, NOVEMBER 5, 1975

JUSTICE FOR MARUM AND JUNGHANS

CUSTOMS FOR JOHN TEBEAU

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1. DEPARTMENT ON FEBRUARY 11 HANDED TO SOVIET EMBASSY

FIRST SECRETARY TREPYKHALIN US NOTE RESPONDING TO SOVIET NOTE OF NOVEMBER 3 WHICH PROTESTED EXPLOSIONS ON BOARD SOVIET PASSENGER LINER, MAKSIM GOR'KIY, IN SAN JUAN, PUERTO RICO. FOLLOWING IS TEXT OF US NOTE:

THE DEPARTMENT OF STATE REFERS TO NOTE NO. 43 OF THE EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS DATED NOVEMBER 3, 1975, CONCERNING DAMAGE CAUSED BY AN EXPLOSIVE DEVICE PLANTED ON THE SOVIET PASSENGER VESSEL MAKSIM GOR'KIY WHICH OCCURRED ON NOVEMBER 1.

THE DEPARTMENT OF STATE REGRETS THAT THIS ACT OCCURRED AND IS GRATIFIED THAT NONE OF THE PASSENGERS OR CREW WERE INJURED BY THE EXPLOSION. UNITED STATES LOCAL AND FEDERAL AUTHORITIES ARE CONDUCTING AN INVESTIGATION TO BRING TO JUSTICE THE PERSON OR PERSONS WHO COMMITTED THIS ACT.

THE DEPARTMENT, HOWEVER, REJECTS THE ASSERTION IN THE EMBASSY'S NOTE THAT THE ACT OCCURRED BECAUSE OF FAILURE OF AMERICAN AUTHORITIES TO ENSURE THE SECURITY OF SOVIET VESSELS IN THE PORT OF SAN JUAN.

THE DEPARTMENT OF STATE ASSURES THE EMBASSY THAT THE UNITED STATES GOVERNMENT AND ITS AGENCIES WILL CONTINUE TO TAKE APPROPRIATE MEASURES, COMMENSURATE WITH UNITED STATES LAW, TO ASSIST SOVIET VESSELS IN THE MAINTENANCE OF THEIR SECURITY, AND THAT THESE AGENCIES WILL MAINTAIN CLOSE WORKING CONTACTS WITH SOVIET VESSELS AND THEIR AGENTS.

SHOULD THE EMBASSY HAVE ADDITIONAL QUESTIONS REGARDING THE SECURITY OF SOVIET VESSELS IN UNITED STATES PORTS, THE DEPARTMENT OF STATE WILL BE WILLING TO FACILITATE CONTACTS BETWEEN THE EMBASSY AND THE RESPONSIBLE UNITED STATES GOVERNMENT AGENCIES. IN THIS REGARD THE EMBASSY SHOULD KEEP IN MIND THAT A COMMERCIAL VESSEL CALLING AT A UNITED STATES PORT BEARS THE PRIMARY RESPONSIBILITY FOR SECURITY ON BOARD THE VESSEL.

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THE DEPARTMENT INFORMS THE EMBASSY THAT WITH PARTICULAR REFERENCE TO THE SECURITY OF SOVIET VESSELS IN UNITED STATES PORTS, ESPECIALLY THAT OF THE SOVIET VESSEL MAKSIM GOR'KIY, REPRESENTATIVES OF THE UNITED STATES COAST GUARD HAVE SEVERAL TIMES IN THE PAST YEAR DISCUSSED WITH THE AGENTS OF THAT VESSEL ALL MEASURES WHICH SHOULD BE TAKEN TO INSURE THE VESSEL'S SECURITY IN UNITED STATES PORTS LAYING PARTICULAR EMPHASIS ON THE RESPONSIBILITY

OF THE VESSEL AND ITS AGENTS FOR PROVIDING SUCH SECURITY. THE COAST GUARD HAS REINSTITUTED THESE DISCUSSIONS WITH THE AGENTS OF THE MAKSIM GOR'KIY WITH A VIEW TO INCREASING ITS SECURITY AND THE SECURITY OF U.S. PORTS AT WHICH IT CALLS.

2. DEPTOFF EMPHASIZED TO TREPYKHALIN DEPT'S REGRET AT INCIDENT BUT REJECTED CONTENTION IN SOVIET NOTE THAT INCIDENT OCCURRED BECAUSE US AUTHORITIES FAILED TO ENSURE SECURITY OF SOVIET VESSELS IN SAN JUAN. DEPTOFF FURTHER POINTED OUT THAT VESSELS ENTERING US PORTS BEAR PRIMARY RESPONSIBILITY FOR THEIR OWN SECURITY. IT WAS STRESSED TO TREPYKHALIN THAT THIS WAS LEGAL SITUATION APPLYING TO ALL MERCHANT VESSELS ENTERING US PORTS.

3. TREPYKHALIN ASKED WHETHER ANY OF THE PERPETRATORS OF THE ACT AGAINST THE GOR'KIY HAD BEEN APPREHENDED. HE WAS INFORMED THAT NONE HAD BEEN CAUGHT AS YET. HE COMMENTED THAT IT SEEMED THAT THIS WAS THE CASE WHENEVER ACTS WERE COMMITTED AGAINST SOVIET PROPERTY. DEPTOFF RESPONDED BY POINTING OUT THAT ACTION AGAINST GOR'KIY WAS ILLEGAL ACT UNDER US LAW AND THAT IT WAS TREATED VERY SERIOUSLY, BUT AUTHORS OF ACT IN THIS CASE--AS IN MANY CASES NOT INVOLVING THE SOVIETS--WERE DIFFICULT TO FIND.

4. IN RESPONSE TO DEPT PRESENTATION TREPYKHALIN REAFFIRMED SOVIET PROTEST AND EXPRESSED THE VIEW THAT USG SHOULD EXERCISE GREATER SECURITY CONTROL OVER SOVIET VESSELS IN PORT TO PREVENT SUCH INCIDENTS. HE STATED THAT SOVIET CREW ON BOARD TRIES TO GUARD THEIR SHIP, BUT THEY CANNOT PROTECT IT AGAINST A BOMB UNDER THE WATER. HE ASKED WHETHER THE US WOULD HAVE ANY OBJECTION

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IF SOVIET CREWMEMBERS OF THE GOR'KIY FUNCTIONING AS DIVERS MADE PERIODIC INVESTIGATIONS OF THE HULL BELOW THE WATERLINE FOR EXPLOSIVE DEVICES. HE WAS TOLD THAT DEPT WOULD CHECK TO SEE WHETHER THIS WAS POSSIBLE.

5. ACTION REQUESTED: REQUEST COMMENT FROM COAST GUARD, MARAD, CUSTOMS AND OTHER INTERESTED AGENCIES ON WHETHER IT WOULD BE LEGALLY OR PRACTICALLY POSSIBLE FOR US TO PERMIT SOVIET CREWMEMBERS ACTING AS DIVERS TO EXAMINE GOR'KIY OR OTHER SOVIET PASSENGER LINERS WHILE THEY ARE IN US PORTS. SISCO

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